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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT(S): W. Alan Burris and Philip M. Prinsen	
APPLN. NO: 10/042,473	CONFIRMATION NO.: 6088
FILED: 09 January 2002	GROUP: 1741
TITLE: OZONE IRRIGATOR	

**NOTICE AND REQUEST TO CORRECT INVENTOR NAME**

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

In response to a notification from Mr. Prinsen, we request that his name be corrected to read "Philip M. Prinsen". Also please correct the Patent Office records to show the correct spelling of his name. This change will serve to correct a typographical error. (See MPEP 201.03 at page 200-5, attached.)

For any questions on this, the Examiner is invited to call applicants' attorney at the number listed below.

Respectfully submitted,  
EUGENE STEPHENS & ASSOCIATES

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Enclosures  
Dated: NOV 25 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit:

NOV 25 2002

Signature:

*Sandra Ruffey*

incorrect inventorship based on the claims as originally submitted;

(B) Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. Reference to the notification will be made on the previously filed oath or declaration;

(C) Where an inventor's name has been changed after the application has been filed, see MPEP § 605.04(c);

(D) Where a court has issued an order under 35 U.S.C. 256 for correction of the inventorship of a patent, it should be submitted directly to the Certificate of Correction Division along with the Office's certificate of correction form, PTO-1050. A new oath or declaration under 37 CFR 1.63 is not required;

(E) Where there is no change of individual but an incorrect name was given, see 37 CFR 1.182 and MPEP § 605.04(g);

(F) In a nonprovisional application filed under 35 U.S.C. 111(a), where the first-filed executed oath or declaration was filed on or after December 1, 1997 and names the correct inventors, but the inventive entity on the executed oath or declaration differs from that which was set forth on filing of the application, e.g., the application transmittal letter or an unexecuted oath or declaration. See 37 CFR 1.48(f)(1);

(G) In a provisional application filed under 35 U.S.C. 111(b), where the cover sheet was filed on or after December 1, 1997 which names the correct inventors, but the inventive entity on the cover sheet differs from that which was set forth on filing of the provisional application without a cover sheet. See 37 CFR 1.48(f)(2).

#### **APPLICATIONS FILED UNDER 37 CFR 1.53(f) - NO OATH/DECLARATION**

The Office will issue a filing receipt listing the inventors identified at the time of filing of the application even if the application was filed under 37 CFR 1.53(f) without an executed oath or declaration. Where the first-filed executed oath or declaration was filed on or after December 1, 1997 and sets forth an inventive entity which is different from the inventive entity initially set forth at the time of filing of the application, the actual inventorship of the application

will be taken from the executed oath or declaration. See 37 CFR 1.41(a)(1). A request under 37 CFR 1.48(a) will not be necessary. See 37 CFR 1.48(f).

Where the first-filed executed oath or declaration was submitted prior to December 1, 1997 in an application filed without an executed oath or declaration, if the inventive entity identified on the executed oath or declaration differs from the inventive entity identified at the time of filing of the application, a request under 37 CFR 1.48(a) or (c) must also be submitted. Upon the grant of the request under 37 CFR 1.48 by the primary examiner, the application will be returned to the Office of Initial Patent Examination (OIPE) for the mailing of a corrected filing receipt.

The original named inventors should not execute or submit an oath or declaration under 37 CFR 1.63 merely to timely complete the filing requirements in reply to a "Notice to File Missing Parts of Application" where the possibility of an error in inventorship has been discovered or signed by someone who cannot properly make the averments therein. Additional time to reply to the Notice is available under 37 CFR 1.136(a) and possibly under 37 CFR 1.136(b). See MPEP § 710.02(d).

#### **Example**

A nonprovisional application is filed (either prior to, on or after December 1, 1997) naming A as the sole inventor without an executed declaration under 37 CFR 1.63. Only claim 1 is presented.

A "Notice to File Missing Parts of Application" is mailed prior to December 1, 1997. In timely reply thereto after December 1, 1997, a preliminary amendment adding claim 2, and a declaration under 37 CFR 1.63 executed by inventors A and B are submitted with B being added in view of claim 2. A request under 37 CFR 1.48(c) is not required, in that 37 CFR 1.48(f)(1) will act to set forth an inventorship of A and B.

Similarly, where a preliminary amendment canceling or amending claims concomitantly requires the deletion of an inventor, such deletion may be accomplished by the submission of a first-filed executed oath or declaration on or after December 1, 1997 naming the actual inventive entity. A request under 37 CFR 1.48(b) would not be necessary.